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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/562,372	12/23/2005	Bruno Lhuillier	15675P593	3832

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BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
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EXAMINER

CAMPBELL, THOR S

ART UNIT	PAPER NUMBER
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3742

MAIL DATE	DELIVERY MODE
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02/04/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/562,372	Applicant(s) LHULLIER, BRUNO	
	Examiner /Thor S. Campbell/	Art Unit 3742	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

Art Unit: 3742

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the various strands of the wire". There is insufficient antecedent basis for this limitation in the claim. The wire is not limited to having strands in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Volbrecht (4,934,831) in view of Blin (US 5183079).

In reference to claim 1.

A heater resistance for heating a solid part , the resistance

Art Unit: 3742

comprising: an electric wire having various strands within a tube (see figure 1, as analogous to applicant's figure 2); and a ceramic insulation surrounding the wire and interposed between the wire strands and the tube. Volbrecht does not disclose an additional ceramic sheath wherein the sheath includes a woven layer.

Blin discloses the use of a ceramic sleeve of woven character. It would have been obvious to modify the Volbrecht device to include a ceramic woven sleeve around the packed ceramic insulation in order to hold the ceramic insulation in place.

In reference to claim 5. A heater resistance according to claim 1, further comprising a mass of electrically insulating material, interposed between the wire and the sheath.

In reference to claim 6. A heater resistance according to claim 5, wherein the insulating mass is includes a mineral.

In reference to claims 2-4, 14, the choice of material is obvious to one of skill.

In reference to claim 7. A heater resistance according to claim 1, including a portion of generally elongate shape.

In reference to claim 8. A heater resistance according to claim 1, further comprising a connector and heater segment and a connection segment adjacent to the connector, the wire having a cross-section in the connection section of area that is greater than the area of the cross-section of the wire in the heater segment. See Figure 10

In reference to claim 9. A heater resistance according to claim 1, further comprising a connector and a portion adjacent to the connector that is tapering in shape. See Figure 10

In reference to claim 10. A probe mounted on board a vehicle for measuring an air flow

Art Unit: 3742

parameter, including temperature, the probe comprising a body and at least one heater resistance- according to claim 1, the heater resistance being secured to the body.

In reference to claim 11. A probe according to claim 1, wherein the heater resistance is of a shape that is not plane.

In reference to claim 12. A probe according to claim 10, wherein the heater resistance extends at the outside of the body.

In reference to claim 13. A method of fabricating a probe for mounting on board a vehicle for measuring an air flow parameter including temperature, the method comprising deforming a heater resistance according to claim 1 in order to enable the heater resistance to be secured to a body of the probe.

Response to Arguments

In response to Applicant's argument that Blin discloses a ceramic woven layer for a different reason than Applicant, the fact that Applicant uses a ceramic sheath for a different purpose does not alter the conclusion that its use in a prior art device would be prima facie obvious from the purpose disclosed in the reference. With respect to the argument that Volbrecht does not teach a heater, it is noted that the preamble of the claim amounts to an intended use of the claimed device since the body of the claims can stand alone. Further it is noted that the prior art has the same structural components and despite the argument that the device can not act as a heater, electrical current passing through a resistance wire *is* subject to Ohmic heating to some extent and therefore is a heater.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 3742

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to /Thor S. Campbell/ whose telephone number is 571-272-4776. The examiner can normally be reached on Mon-Fri 5:30AM-2:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tu Hoang can be reached on 571-272-4780. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3742

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thor S. Campbell/
Primary Examiner
Art Unit 3742

TSC